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8 UNITED STATES DISTRICT COURT FOR THE
9 WESTERN DISTRICT OF WASHINGTON

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STUDIO360, Inc. PLAINTIFF,	CASE NO.:
vs.	DECLARATION AND VERIFICATION OF DAN TAYLOR
WYNN RESORTS LTD., DEFENDANT.	[JURY DEMANDED]

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19 Dan Taylor declares:

- 20 1. I am the founder and sole owner of plaintiff Studio360, Inc.
21 2. I took the photograph shown in Exhibit A to the complaint as an original work for
22 Studio360.
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24 3. This photograph has never been licensed.

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DECLARATION OF DAN TAYLOR - I

KEVIN TRAYWICK (WSBA 27927) (206) 860-8292
400 ROY ST. SUITE 200 SEATTLE, WA 98109

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3 4. Almost all internet traffic to a Studio360's web site stems from people searching for
4 images of travel destinations using Google image search.
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6 5. The quality of an images is critical to our business model. Unlike other searches,
7 people searching for travel information want to see the place they will be visiting, the hotel where
8 they will stay and the local surroundings. A person searching for the phone number of a
9 restaurant or the best treatment for asthma doesn't want or need an image, someone going to
10 Costa Rica always does. Studio360 figured this out years ago and started creating web sites for
11 travelers that incorporated great images of the places they might go.
12

13 6. Images appear in Google's search results based upon Google's image ranking
14 algorithm. Under this algorithm, a popular image will be ranked higher and placed closer to the
15 top of the page of image search results where they generate more traffic. In our experience, good
16 photos rise in popularity and generate more internet traffic.
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18 7. I generally take most of Studio360's photographs. I took the one of Wynn in question
19 here. In the past year, I have traveled to over 20 travel destinations, as far away as Mexico and
20 as close as Tacoma, taking photographs for our web sites.

21 8. About 2 years ago, Studio360 entered into an agreement with a third party to receive
22 commissions based on room reservations originating at a Destination360 web page. This
23 agreement included reservations made at the Wynn Las Vegas.
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4 9. Since then, there have been millions of page impressions on the destination360 web
5 page for the Wynn Las Vegas and, based on the commissions Studio360 has received, thousands
6 of these people have gone on to reserve a room at the Wynn Las Vegas resorts. These page
7 impressions come because from the thousands of pictures of the Wynn Las Vegas returned by a
8 Google search, our image is usually the first one shown – it is one people like, select and click.
9 And once at our web site, these same people often click through to reserve a room with Wynn.

10 10. Wynn knew all of this. In March of 2007, Karen White of Wynn told me that
11 11 Studio360 was one of there most important sources of room reservations. I know because they
12 12 put us up in their hotel and provided food and entertainment for the weekend just to tell me.
13 13

14 11. I swear under penalty of perjury that I have read the allegations made in the attached
15 complaint are true to the best of my knowledge or upon my information and belief, I believe
16 them to be true.

18 May 31, 2009.



Dan Taylor

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400 ROY ST. SUITE 200 SEATTLE, WA 98109

22 DECLARATION OF DAN TAYLOR - 3